

broker-dealers' own name ("street-name") charge issuers a fee for distributing interim reports to beneficial shareholders, many listed companies choose not to distribute them.

The industry review considered the cost of requiring interim reports to be mailed to all shareholders, particularly where securities are held in "street-name." In this regard, while the industry groups have not reached an agreement with respect to the fees charged issuers to distribute interim reports to shareholders, they have reached agreement on the need to submit reports to registered and beneficial shareholders. This agreement is reflected in the NYSE's rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).<sup>3</sup> In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public.

Although the Commission does not require public companies to distribute interim reports to shareholders,<sup>4</sup> it believes that it is appropriate for the NYSE to improve the distribution by its listed companies of interim reports to shareholders. The NYSE proposal will accomplish this by ensuring equal treatment of record and beneficial shareholders in the distribution of reports. In addition, the NYSE's rule change reflects the results of the compromise reached by the various industry groups with regard to distribution of interim reports. The Commission believes the NYSE's adoption of this industry policy should help to create uniformity in the practices of NYSE-listed companies

with respect to their distribution of interim financial reports.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> that the proposed rule change (SR-NYSE-94-42) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delayed authority.<sup>6</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 95-4159 Filed 2-17-95; 8:45 am]  
BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster Loan Area #2761]

#### Washington, Declaration of Disaster Loan Area; Amendment #1

The above-numbered Declaration is hereby amended to include Pierce County in the State of Washington as a contiguous county as a result of damages caused by heavy rains and flooding which occurred throughout December 1994.

All other information remains the same, i.e., the termination date for filing applications for physical damage is March 30, 1995, and for economic injury the deadline is October 27, 1995.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 10, 1995.

**Philip Lader,**  
*Administrator.*

[FR Doc. 95-4080 Filed 2-17-95; 8:45 am]  
BILLING CODE 8025-01-M

## Public Meeting

The National Small Business Development Center Advisory Board will hold a public meeting on March 7, 1995, from 9 AM through 4 PM, at U.S. Small Business Administration, Office of Small Business Development Centers Conference Room, 4th Floor, 409 3rd Street, SW., Washington, DC 20416.

The purpose of the meeting is to discuss such matters as may be presented by Advisory Board members, staff of the SBA, or others present.

For further information, write or call Mary Ann Holl, SBA, 4th Floor, 409 3rd Street, SW., Washington, DC 20416, telephone 202/205-7302.

**Dorothy A. Overall,**

*Director, Office of Advisory Councils.*

[FR Doc. 95-4081 Filed 2-17-95; 8:45 am]  
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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[OST Docket 50125]

### Department of Transportation Proposed Environmental Justice Strategy

**AGENCIES:** Office of the Secretary; Departmental Office of Civil Rights and Office of the Assistant Secretary for Transportation Policy; DOT.

**ACTION:** Request for comment on U.S. Department of Transportation proposed environmental justice strategy.

**SUMMARY:** Executive Order 12898, signed by President Clinton on February 11, 1994, directs each Federal agency to develop a strategy to address environmental justice concerns in its programs, policies and regulations. The thrust of the Executive Order is to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment.

The Department of Transportation (DOT) has prepared a proposed environmental justice strategy. The proposed strategy describes the approach we are considering to achieve environmental justice objectives throughout the Department. To help us formulate the final strategy, we are soliciting comments from a broad range of organizations and individuals with an interest in environmental justice and transportation matters.

**DATES:** Comments are requested by March 1, 1995. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** Comments should be sent to Docket Clerk, Docket 50125, Department of Transportation, 400 7th Street, SW., Room PL 401, Washington, DC 20590.

To facilitate consideration of the comments, commenters are requested to file six copies of each submission.

Comments will be available for inspection at this address from 9 a.m. to 5 p.m., Monday through Friday.

Commenters who wish the Department to acknowledge receipt of their comments should include a stamped, self-addressed postcard with their comments. The Docket Clerk will date-stamp the postcard and mail it back to the commenter.

**FOR FURTHER INFORMATION CONTACT:** Ira Laster, Jr., Office of Environment, Energy, and Safety, Office of the Assistant Secretary for Transportation Policy, telephone (202) 366-4859, or Alyce Boyd-Stewart, Departmental Office of Civil Rights, telephone (202) 366-9366, U.S. Department of

<sup>3</sup> 15 U.S.C. § 78f(b) (1988).

<sup>4</sup> The interim reports that are the subject of the NYSE's rule change are not the quarterly financial reports required to be filed with the Commission on Form 10-Q pursuant to the Commission's authority under Sections 13(a) and 15(d) of the Securities Exchange Act of 1934. See 15 U.S.C. §§ 78m(a) and 78o(d) (1988). The reports are voluntarily prepared and published by companies as part of their shareholder relations activities.

<sup>5</sup> 15 U.S.C. 78s(b)(2) (1988).

<sup>6</sup> 17 CFR 200.30-3(a)(12) (1993).

Transportation, 400 7th Street, SW., Washington, DC 20590.

Dated: February 13, 1995.

**Antonio Califa,**

*Director, Departmental Office of Civil Rights.*

**Joseph Canny,**

*Deputy Assistant Secretary for Transportation Policy.*

Attachment

## **Department of Transportation Proposed Environmental Justice Strategy**

### **Introduction**

#### *Background*

Executive Order 12898, signed by President Clinton on February 11, 1994, on "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," requires each Federal agency to develop a specific agency-wide strategy for implementing E.O.'s provisions. The thrust of the Executive Order is to avoid disproportionately high and adverse impacts on such populations with respect to human health and the environment.

The Department of Transportation (DOT) is committed to embracing the principles of environmental justice by promoting enforcement of all applicable environmental regulations and legislation, and by promoting non-discrimination in its programs, policies, and activities that affect human health and the environment consistent with the principles of environmental justice. DOT is also committed to bringing government decisionmaking closer to the communities and people affected by these decisions and ensuring greater public participation in decisions relating to human health and the environment.

In the period of the mid 1990's, we are witnessing dramatic changes in the philosophy of private and public decisionmaking. In the private sector, the hierarchical top-down decisionmaking apparatus, so characteristic of the American corporate giants in the past, is giving way to organizational arrangements which bring key decisionmaking authority to these directly performing tasks. Corporations are placing renewed emphasis on listening and responding to the corporate customer and making product quality and service, rather than cost minimization or short-term profit maximization, the top priorities in decisionmaking.

Likewise, American governmental decisionmaking structures are beginning to undergo extraordinary changes. The Vice President's National Performance Review is setting in motion actions that

are intended to make government more effective by becoming more friendly to customers and responsive to taxpayers. All these actions are intended to involve stakeholders in decisions by government.

Adherence to environmental justice principles enhances these trends because they involve stakeholders in decisions by government. Key to these principles is an active community public participation process that provides opportunities for persons living in low-income neighborhoods and minority populations to participate more effectively in governmental decisions and programs.

The new emphasis on environmental justice coincides with DOT's previously announced intent to become a model transportation agency for protecting and enhancing the environment and putting people first. Secretary Federico Peña has called for harmonizing transportation policy and environmental concerns as a major objective within DOT. DOT agencies must now become environmental leaders and demonstrate sensitivity both to the natural environment and to neighborhoods and communities in everything DOT does.

### **Strategy Development Process**

Upon receipt of the Executive Order and the accompanying Presidential memorandum, DOT established a Department-wide working group, which is comprised of representatives from appropriate secretarial offices and departmental operating administrations. The DOT Working Group established the overall framework for the development of the DOT environmental justice strategy, and over the course of the past several months, provided much of the information incorporated in this draft strategy.

The fundamental purpose of DOT's proposed environmental justice strategy is to design and implement a flexible process that assures the full use of necessary Departmental resources in identifying and addressing program and constituent needs and opportunities consistent with requirements of the Executive Order.

The Working Group's first major activity was to undertake a survey of DOT's current and proposed activities related to environmental justice. Results of this activity were forwarded to the Environmental Protection Agency (EPA) on July 13, 1994. Elements of DOT that completed the survey are using the results to determine the extent to which environmental justice requirements are being met. Where additional information is needed to determine the present level and scope of

implementation, efforts are underway to acquire it.

## **Elements of the DOT Strategy**

### *1. High Level Involvement*

An overview of DOT environmental justice activities was an agenda item at a senior staff meeting in mid-December 1994. The overview consisted of a summary of Executive Order 12898, a discussion of the outline of DOT's proposed strategy, and an overview of operating administrations' responses to the survey of their environmental justice activities. DOT has, to some degree, already incorporated environmental justice principles into its mission through compliance with requirements and principles of the National Environmental Policy Act, Title VI of the Civil Rights Act of 1964, and related statutes.

Secretary Peña will communicate with all appropriate departmental officials expressing his support for the environmental justice executive order and encouraging them to incorporate the principles of environmental justice in program planning, budgeting, program development, program activities, and program evaluation, as appropriate. This will be done in conjunction with a DOT Order on establishing principles and procedures for environmental justice in all DOT programs, policies, and activities.

### *2. Public Outreach on DOT Environmental Justice Strategy*

The following represents steps DOT has or is taking to involve the public in the development and implementation of DOT's Environmental Justice Strategy. All outreach activities described below will be carried out consistent with the requirements of the Federal Advisory Committee Act.

#### *a. National Conference on Transportation, Social Equity, and Environmental Justice in Chicago*

This conference, cosponsored by the Federal Transit Administration and the Surface Transportation Policy Project, brought together approximately 150 persons, mostly community activists from around the country, with DOT and other public officials. The meeting, held on November 17-18, 1994, in Chicago identified key transportation-related environmental and social issues of concern to persons living in predominately low-income and minority communities. Suggestions for actions to redress these concerns were also sought. A report of the conference findings is being prepared by the Surface Transportation Policy Project.

b. Inter-Departmental Public Meeting in Atlanta

On January 20, 1995, DOT participated, along with other Federal departments/agencies, in a public meeting in Atlanta, a portion of which was televised nationwide by satellite to designated downlink sites. The purpose of this public meeting was to provide an opportunity for Federal agency staffs to explain the main tenets of agencies' environmental justice strategies and to raise issues for the consideration and advice of participants.

c. Meeting With the Environmental Justice Network

In response to the Chicago meeting, DOT will discuss with members of the Environmental Justice Network how best to further engage persons living in minority and low-income communities about their environmental justice concerns and their views as to what steps might be taken by DOT to address these concerns.

d. **Federal Register** Notice on Environmental Justice

DOT will publish in the **Federal Register** the key elements of its proposed environmental justice strategy and seek comments on issues still under discussion. The public will be requested to provide comments by March 1, 1995. In addition, specific efforts under development will be made to solicit comments from members of minority populations and low-income populations.

e. Final Publication in the **Federal Register** of DOT environmental Justice Strategy

After considering the comments on the **Federal Register** announcement of the DOT strategy and the lessons learned from early grass-roots working meetings (see item f below), DOT will revise its proposed environmental justice strategy, as necessary, and publish it in the **Federal Register**. The strategy will be a "living document" and be subject to modification as a result of activities described in terms (f) through (h) below.

f. Grass Roots Environmental Justice Meetings

As recommended by participants attending the Chicago Environmental Justice Conference, DOT anticipates holding a series of meetings with community groups, individuals, and business groups, as well as local, public, and transportation officials. The intent will be to discover and understand community-based environmental justice problems and to discuss remedial

strategies included in the first version of the DOT environmental justice strategy. The objective will be to build knowledge in an additive manner, so that each successive meeting with groups mentioned above builds upon the last.

Also, in response to requests from the public for educational outreach and training for low-income and minority persons, DOT will provide training to persons affected by the E.O. in how the transportation decisionmaking process works and the role of public participation in it. Persons affected by the E.O. will be afforded opportunities to inform DOT of any barriers to effective participation that may exist.

g. National Meeting on Public Participation and Environmental Justice

A national workshop to be hosted by the Secretary of Transportation would present an opportunity to share experiences from the grass-roots working sessions with a larger constituency of stakeholders, including nationally-based community advocacy groups, and transportation planning coordinators at the state, regional, and local levels. Through combined plenary and small breakout group discussions, participants will consider issues and provide recommendations.

h. DOT Regional Workshops for Grantees, State, and Local Officials

DOT anticipates holding workshops in selected regions for grantees, state and local officials on implementing the DOT Order and agency guidance on DOT's Environmental Justice strategy.

3. *DOT Order on Environmental Justice*

A key component of the DOT environmental justice strategy is a proposed DOT Order prescribing procedures to be followed by the Department and all of its operating administrations to implement Executive Order 12898. The Order will apply to all appropriate DOT regulations policies, guidance, and program activities as well as to any program, project, or activity undertaken by DOT or that receives financial assistance or permits from DOT, which may have environmental justice implications. The proposed DOT Order would ensure that all appropriate components of the Department will apply this strategy to all aspects of their programs, policies, and activities.

While the precise contents of the proposed DOT Order have not yet been fully developed, we anticipate that the Order will achieve three objectives.

First, it would set forth requirements regarding review and revision of DOT regulations, programs, policies,

guidance, and procedures that affect human health or the environment. Second, it would provide a methodology for identifying and addressing adverse effects of DOT actions and determining whether such actions are likely to have a disproportionately high or adverse impact on low-income or minority populations. Third, It would, after consideration of mitigation measures, prohibit DOT or its agents from proceeding with any actions that will have a disproportionately high and adverse unmitigated effect on low-income and minority populations except under prescribed circumstances. Each of these objectives is explained more fully below.

a. Review and Revision of Regulations, Programs, Objectives, Policies, Guidance, and Procedures

Under the proposed Order, the Office of the Secretary and each operating administration of DOT would identify and assess regulations, programs, policies, guidance, and procedures that affect human health or the environment using the methodology described below, and revise them, as appropriate, to comply with Executive Order 12898. This process would include procedures to provide meaningful opportunities for public involvement by low-income and minority populations, including community input in identifying potential impacts, alternatives, and mitigation measures for DOT actions.

In addition, any long-range or short-range planning and programming processes conducted or funded by DOT that affect human health or the environment would include appropriate actions to address the effects of such planning [including actions, where practicable consistent with the E.O., that may result from such planning] on minority and low-income populations and communities.

Also, under the proposed DOT Order, DOT and its operating administrations would develop specific mitigation strategies and measures to address, as appropriate, disproportionately adverse effects of their actions, including pollution prevention measures, consistent with requirements of other statutes and procedures.

The proposed Order also would provide for additional data collection or research as needed to provide information to comply with Executive Order 12898. Public input will be solicited in these activities.

**b. Methodology for identifying adverse Effects and Determining Whether They Have a Disproportionately High or Adverse Impact on Minority and Low-Income Communities**

The proposed Order would set forth a methodology to be used by DOT grantees, state, and local officials to determine whether a DOT or a DOT-funded program, policy, project, or activity (DOT action) is likely to have a disproportionately high and adverse effect on low-income or minority populations. As part of this process, DOT or its agents will provide appropriate opportunities for comment by representatives of affected communities, both to obtain their input in identifying potential effects of the action and in devising mitigation strategies, where appropriate, to alleviate disproportionately high and adverse effects. Offsetting mitigation measures that will be taken by DOT or its agents, or any other compensatory benefits that will accrue to the affected minority or low-income populations as a result of the action, will be taken into account in determining if there is a disproportionately high and adverse impact.

**c. Actions To Address Disproportionately High Adverse Effects**

Although the precise standards are yet to be developed, it is anticipated that the proposed DOT Order will provide standards for any action to address disproportionately high adverse effect on minority or low-income populations. It is anticipated that the action will not be carried out unless:

- (1) A substantial need for the action, based on the overall public interest, can be demonstrated; and
- (2) alternatives that will have a less disproportionate adverse effect on minority or low-income populations would have unacceptable adverse health or environmental impacts (criteria concerning such adverse impacts will be specified in the DOT Order).

(3) In the case of adverse effects on populations protected by Title VI of the Civil Rights Act of 1964, there must also be a demonstration of compliance with Title VI and related statutes.

**4. Public Participation**

All public participation activities described below will be carried out consistent with the requirements of the Federal Advisory Committee Act.

In accordance with the proposed DOT Order, DOT's public participation processes would be reviewed and revised as necessary to ensure that persons living in minority and low-

income communities have timely access to information and meaningful public participation opportunities in transportation decisions affecting such communities.

The proposed Order would provide that opportunity will be afforded the public, including low-income and minority citizens, to comment on any proposed revisions to DOT regulations, policies, and procedures that address human health and the environment in their communities. DOT shall ensure that revisions to DOT policies and procedures include provisions for access to public information relating to human health, the environment, transportation, or other planning regulations and enforcement. DOT will ensure meaningful opportunities for public involvement by affected minority and low-income persons.

DOT will seek minority and low-income involvement in identifying research and data collection needs, and designing environmental justice projects to address those needs.

DOT will conduct training and information outreach workshops for low-income and minority communities on participating in DOT supported programs.

DOT will produce and disseminate user-friendly materials explaining DOT public participation and other program requirements. This may include environmental justice information on public participation and other pertinent program requirements on a community bulletin board or a 1-800 number to answer environmental justice questions. DOT will seek low-income and minority community input in deciding these matters.

DOT has developed a set of principles to guide its public participation activities. These principles are enumerated as follows.

a. Public participation with respect to environmental justice stakeholders will be based on an interactive partnering approach. Environmental justice stakeholders should be involved in designing studies, determining date needs, and planning conferences and meetings.

b. Environmental justice stakeholders should, in most cases, be included in existing participatory activities. Environmental justice should not result in separate activities for environmental justice stakeholders which isolate them from the majority community. It may be necessary to start with activities specifically for environmental justice stakeholders to enable them to participate but the objective is to enlarge the community dialog on DOT initiatives to include these stakeholders.

c. Including environmental justice stakeholders means more than assuring that they receive notices of meetings or other events and that all events are convenient in terms of time and location. In many cases, the real barriers to participation by these stakeholders are attitudinal ("this is not for us" or "they are not really interested"), language barriers, cultural barriers, technical background, literacy, communications style, and privacy issues. Participant training and other approaches to enable environmental justice stakeholders to participate are likely to be the foundation of a successful approach.

d. Participatory efforts should reach out to non-leaders as well as stakeholder leaders through such techniques as focus groups or workshops.

e. Partnering with environmental justice stakeholders will require agencies to review how they do business. We must assure that our processes are accessible to and usable by stakeholders, to the extent possible.

f. The fundamentals of public involvement are that all interested groups and individuals have access to information, to participatory events, and to decisionmaking through a variety of techniques from the earliest stages of an activity through decisionmaking and implementation. All aspects of public involvement should be open to environmental justice stakeholders.

g. Public participation programs are best designed at the local or state level. The Federal role is to set performance standards for public involvement programs and to provide technical assistance in meeting those performance standards, not to require specific actions.

**5. Role of Key DOT Elements in Complying With Environmental Justice Executive Order**

In connection with implementing the DOT Order on environmental justice and, in some cases, to supplement these actions, each element of the Department will undertake actions. Some of the actions described below will be developed and refined as the Department's strategy evolves.

**a. Departmental Office of Civil Rights**

Dissemination of information on how Title VI of the Civil Rights Act of 1964 Pertains to Environmental Justice.

The DOT Order described previously will provide the operating administrations with a framework to ensure that their policies, programs, and procedures comply with the intent of the Executive Order, including meeting the requirements of Title VI.

In addition, the Departmental Office of Civil Rights will provide leadership and technical assistance to the operating administrations and in conjunction with the appropriate administrations, to major recipients of DOT funds in the administration of their Title VI responsibilities which relate to environmental justice. This may take the form of guidelines, memoranda of general applicability, and training designed to achieve environmental justice for members of minority and low-income populations.

**b. Federal Aviation Administration (FAA)**

The Federal Aviation Administration will adhere to the principles of environmental justice.

In the area of pollution prevention, FAA will:

- Review FAA policies, programs, and activities related to pollution prevention and safety and revise them, where appropriate, in accordance with the E.O. emphasizing their importance in avoiding environmental inequities;
  - Review FAA policies, programs, and activities related to enforcing the Hazardous Materials Transportation Act and associated DOT regulations related to aviation;
  - Review FAA policies, programs, and activities related to advising the shipping community, including FAA facilities, and other affected parties of their role in avoiding environmental and public health impacts;
  - Review FAA policies, programs, and activities related to implementing the various executive orders on pollution prevention and waste reduction. Appropriate data collection, recordkeeping, and public participation and outreach procedures are being developed;
  - Review FAA policies, programs, and activities related to complying with other environmental protection laws including, for example, Clean Water Act, Clean Air Act, RCRA, CERCLA, TSCA, FIFRA, SDWA, and related state laws. FAA will comply with OSHA to provide safe and healthful work environment for all its employees and provide training to all employees;
  - Review FAA policies, programs, and activities related to aviation and airport safety and revise, where appropriate, consistent with the E.O.;
  - Include environmental justice principles, where appropriate, in its environmental liability training.
- With respect to NEPA, FAA will:
- Emphasize the important role of appropriate public participation and environmental review under NEPA in avoiding environmental inequities. The

agency is revising its various NEPA implementation orders (see section 6 below) to include compliance with E.O. 12898;

- Include environmental justice in its training programs, including, for example, the community involvement training course that is currently being developed and ongoing NEPA and advanced NEPA courses.

In the area of research, FAA will:

- Review the allocation of FAA education and research funds to Historically Black Colleges and Universities and other minority institutions and minority students and faculty in light of E.O. 12898. In addition, FAA will review its research programs to determine whether and how minority and low-income populations may be more appropriately included in the scope of particular research projects. Improved outreach to affected populations will be developed.
- Review its research program and consider appropriate research projects for developing data collection methods that may be needed to comply with Executive Order 12898.

**c. Federal Transit Administration (FTA)**

FTA's Title VI implementing circular requires public transit grantees to perform fixed facility impact analyses for all construction projects to assess the impacts on minority and low-income communities. Additionally, public transit grantees with populations of 200,000 or more must describe and establish monitoring procedures to ensure that service levels and quality do not discriminate against persons living in minority communities, and thus, deny them the environmental, human health, social, and economic benefits of local public transit programs. Grantees also must describe efforts to encourage minorities to participate on transit decision making bodies in order to ensure that such boards reasonably reflect the racial/ethnic composition of the community affected by the transit program.

The FTA strategic plan articulates the agency's intent to renew efforts to develop meaningful services for minority and low-income communities by designing new service demonstrations in partnership with such communities. Furthermore, the FTA Strategic Plan calls for a reexamination of how Federal transit investments are made in local areas and the development of appropriate action to encourage equitable distribution of such investments for minorities and transit-dependent persons living in low-income communities. FTA is also participating in the President's

Empowerment Zone/Enterprise Community Program aimed at addressing low-income community revitalization.

FTA is launching a new "Livable Communities" Initiative to instill principles in transit programs that support the development of vibrant and healthy communities within the transit service area. This program supports the principles of environmental justice by promoting local community partnerships in local neighborhood and community transportation decision making and by creating transit investments that will serve community goals, including environmental, land use, and human health objectives. This program will encourage the development of transit systems that offer day and health care facilities to patrons; will provide special access to job training and employment to economically disadvantaged citizens; will attract shopping and economic development opportunities at transit sites; and will help to shape attractive, people-friendly land use configurations in and around transit stations. The program encourages the development of safe and secure travel and commercial environments as well as fosters the development of local circulation systems that support the vitality and the attractiveness of individual neighborhoods and communities.

**d. Federal Highway Administration (FHWA)**

To encourage that environmental protection and enhancement are integrated into planning and project development processes, FHWA will, in consultation with stakeholders and other appropriate partners, identify exemplary environment/planning processes, projects, and individuals or teams and showcase them.

Further, FHWA with provide extensive outreach and training on the role of environmental, neighborhood, and community values in transportation investments and decisionmaking.

With FHWA as lead agency, several DOT agencies are sponsoring a conference in cooperation with the Environmental Justice Resource Center at Clark-Atlanta University to further understand the environmental justice issues surrounding transportation. The conference is tentatively scheduled for March 30-April 1, 1995.

**e. Federal Railroad Administration (FRA)**

FRA addressed environmental justice issues in its Final Environmental Impact Statement for the Northeast Corridor Improvement project—Electrification—New Haven, CT to Boston, MA and in

the recently issued FHWA/FRA Draft Environmental Impact Statement for the Alameda Corridor project in Southern California.

Amtrak's Northeast Corridor Improvement project received direct Federal funding, and environmental justice concerns have been and will continue to be addressed through the NEPA environmental review process. FRA grant activities are currently limited to Amtrak and the state rail assistance program. FRA has no direct control over Amtrak grant funds expenditures, and the state rail grants are small. Construction projects, under the state rail program, have been limited to rehabilitation of existing rail lines in non-urban areas, with minimal environmental impact. If high-speed rail funding is appropriated by the Congress, FRA will incorporate environmental justice considerations into its planning requirements. Environmental justice requirements are being referenced in the new joint Environmental Impact Assessment Procedures under development by FHWA, FTA, and FRA.

#### f. FTA and FHWA Public Involvement Activities

FTA, in cooperation with FHWA, made a major step toward providing stakeholders with access to the transportation planning, programming, and project development processes with the issuance of the joint regulations on planning, 23 CFR part 450 and 49 CFR part 613, on October 28, 1993. This is accomplished in two ways.

One is by requiring that transportation decisionmaking be done in coordination with affected institutional bodies, including, but not limited to, businesses, major employers, environmental groups, labor unions, local land use planners, human service agencies, and providers. Consulting with these stakeholders is an important step to properly considering the range of factors required as part of an area's transportation planning activities. Requiring the consideration of these factors recognizes the relationship between transportation systems and the economic, environmental, and social well-being of the communities and regions served by them. The intended effect of this transportation planning environment is to promote transportation decisions which complement other state and local policies with an eye toward community well-being.

Another important component to providing for an open decisionmaking process is the requirement that

decisionmaking be similarly open to the public. In fact, FTA and FHWA require public involvement to be "proactive and provide[s] complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement" (23 CFR 450.212 and 450.316(15)(1b)), and to be a significant part of all statewide and metropolitan planning processes. In addition, a "process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households which may face challenges accessing employment and other amenities" (23 CFR 450.212(a)(6)). These requirements are treated in the regulatory language as expected outcomes of a public involvement process that is developed to meet the individual needs of the affected Metropolitan Planning Organization (MPO) or state.

To maximize the effective implementation of the above provisions, FTA and FHWA are working toward providing the staffs of MPOs and state departments of transportation with training and guidance on how to achieve these ends. To emphasize the importance of public involvement in local transportation decisionmaking, FTA and FHWA have developed a Policy on Public Involvement. The agencies have also developed guidance specific to implementing the public involvement provisions in the planning regulations. Additional training and assistance in public involvement is being developed to promote high quality public involvement, designed to actively involve the public in decisionmaking activities. A comprehensive course for both staff and decisionmakers of MPOs and state DOTs is under development, to be offered free of charge beginning late in 1995. In addition, there will be a full catalogue of public involvement techniques published to promote creativity in public involvement.

It is simply not enough to open the door and invite the public in. There needs to be some effort to ensure that persons and groups with substantial interests in their communities have access to the tools necessary for substantive participation in local transportation decisionmaking. Some of the project ideas that have surfaced to address this need include training workshops for community groups and the development of a 'citizens' guide to MPO and statewide transportation planning under Intermodal Surface Transportation Assistance Act (ISTEA), and a similar technical guide for

citizens that focuses on transportation modeling, planning assumptions, and transportation's relationship to other community services and resources.

#### g. Maritime Administration (MARAD)

The Maritime Administration has addressed environmental justice issues by complying with the National Environmental Policy Act and the Department of Transportation Administrative Order 600-1. In particular, over the past four years MARAD has completed two successive environmental audit reviews at three MARAD Reserve Fleet facilities (James River, Beaumont and Suisun Bay) and at two other facilities (United States Merchant Marine Academy, Kings Point, N.Y. and the Fire Training Center, Swanton, Ohio). Further, MARAD is currently engaged in a comprehensive review and analysis of requirements relevant to future clean-up of Polychlorinated Biphenyls (PCBs) in its National Defense Reserve Fleets. In its role as the Federal advocate for increased productivity and competitiveness in the Nation's maritime affairs, MARAD will continue to address compliance with applicable environmental laws and regulations by the United States maritime community.

#### 6. DOT Training on Environmental Justice

In order to ensure that environmental justice becomes integrated in all appropriate Departmental activities, DOT will hold informational seminars on environmental justice for selected program managers throughout the Department. Representatives of the environmental justice network will be invited to assist in the planning and conduct of these seminars.

#### 7. Review and Revision of DOT Environmental Procedures

The Department will review and update, as appropriate, its Procedures for Considering Environmental Impacts, DOT Order 5610.1C, to ensure that it is consistent with Executive Order 12898 and DOT's proposed order on environmental justice. Attachment 2 to Order 5610.1C sets forth guidance on the format and content of environmental review documents and compliance with the National Environmental Policy Act and other environmental statutes, regulations, and executive orders such as Section 4(f) of the DOT Act. This attachment will be updated to reflect the requirements of Executive Order 12898

and to outline the need to address potential disproportionate adverse health, or environmental impacts on affected populations and communities. DOT modal administrations also will review and update environmental guidance.

[FR Doc. 95-4134 Filed 2-17-95; 8:45 am]

BILLING CODE 4910-62-M

#### Federal Aviation Administration

##### Noise Exposure Map Notice, Receipt of Noise Compatibility Program and Request for Review; Austin Straubel International Airport, Green Bay, WI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Brown County for Austin Straubel International Airport under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Austin Straubel International Airport under part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before July 19, 1995.

**EFFECTIVE DATE:** The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is January 20, 1995. The public comment period ends March 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** William J. Flanagan, Federal Aviation Administration, Airports District Office, room 102, 6020 28th Avenue South, Minneapolis, Minnesota 55450, (612) 725-4463. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for Austin Straubel International Airport are in compliance with applicable requirements of part 150, effective January 20, 1995. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before July 19, 1995. This notice also announces the availability of this program for public review and comment.

Under section 103 of title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

Brown County submitted to the FAA on July 28, 1993, noise exposure maps, descriptions and other documentation which were produced during the FAR part 150 Noise compatibility Study from July 1991 to November 1994. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Brown County. The specific maps under consideration are the 1992 existing Noise Exposure Map and the 1997 future Noise Exposure Map. The FAA has determined that these maps for Austin Straubel International Airport are in compliance with applicable requirements. This determination is effective on January 20, 1995. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the prices relationship of specific properties to noise exposure contours depicted on

a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detail overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator who submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator under section 150.21 of FAR part 150, that the statutory required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Austin Straubel International Airport, also effective on January 20, 1995. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before July 19, 1995.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for reexamination at the following locations: